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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

HSINGCHING HSU, Individually and
on Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

PUMA BIOTECHNOLOGY, INC., et
al.,

Defendants.

) Case No. 8:15-cv-00865-DOC-SHK
) CLASS ACTION
) ORDER PRELIMINARILY
) APPROVING SETTLEMENT
) AND PROVIDING FOR NOTICE

1 WHEREAS, an action is pending before this Court entitled *Hsingching Hsu v.*
2 *Puma Biotechnology, Inc., et al.*, No. 8:15-cv-00865-DOC-SHK (the “Litigation”);

3 WHEREAS, Lead Plaintiff having made application, pursuant to Federal Rule
4 of Civil Procedure (“Rule”) 23(e), for an order preliminarily approving the settlement
5 of this Litigation, in accordance with a Stipulation of Settlement dated December 1,
6 2021 (the “Stipulation”), which sets forth the terms and conditions for a proposed
7 settlement of the Litigation and for dismissal of the Litigation with prejudice upon the
8 terms and conditions set forth therein; and the Court having read and considered the
9 Stipulation; and

10 WHEREAS, unless otherwise defined, all terms used herein have the same
11 meanings as set forth in the Stipulation.

12 NOW, THEREFORE, IT IS HEREBY ORDERED:

13 1. After a preliminary review, the Settlement appears to be fair, reasonable,
14 and adequate. The Settlement: (a) resulted from arm’s-length negotiations; and (b) is
15 sufficient in amount to warrant (i) notice thereof as set forth below; and (ii) a full
16 hearing on the Settlement. Accordingly, the Court does hereby preliminarily approve
17 the Stipulation and the Settlement set forth therein, subject to further consideration at
18 the Settlement Hearing described below.

19 2. A hearing (the “Settlement Hearing”) shall be held before this Court
20 on April 11, 2022, at 8:00 a.m., at the United States District Court for the
21 Central District of California, Ronald Reagan Federal Building and U.S.
22 Courthouse, 411 West Fourth Street, Courtroom 9D, Santa Ana, CA 92701, for
23 the following purposes:

24 (a) to determine whether the Settlement is fair, reasonable, and
25 adequate, and should be approved by the Court;

26 (b) to finally determine whether Settlement Judgment as provided
27 under the Stipulation should be entered and to determine whether the release by Lead
28 Plaintiff and the Class of the Released Defendant Parties as set forth in the Stipulation,

1 should be ordered, along with a permanent injunction barring efforts to bring any
2 Released Claims extinguished by the Settlement;

3 (c) to consider the application of Lead Counsel for an award of
4 attorneys' fees and expenses, and any application for an award to Lead Plaintiff;

5 (d) to consider any objections; and

6 (e) to rule upon such other matters as the Court may deem appropriate.

7 3. The Court may adjourn the Settlement Hearing without further notice to
8 the members of the Class, and reserves the right to approve the Settlement with such
9 modifications as may be agreed upon or consented to by the parties and without
10 further notice where to do so would not impair Class members' rights in a manner
11 inconsistent with Rule 23 and due process of law. The Court further reserves the right
12 to enter its Settlement Judgment approving the Settlement and dismissing the
13 Litigation on the merits and with prejudice, regardless of whether it has awarded
14 attorneys' fees and expenses or made an award to Lead Plaintiff.

15 4. The Court approves, as to form and content, the Notice and the Summary
16 Notice, annexed hereto as Exhibits A-1 and A-2, respectively, and finds that the
17 mailing and distribution of the Notice and publishing of the Summary Notice,
18 substantially in the manner and form set forth in ¶¶6-7 of this Order, meet the
19 requirements of Rule 23 and due process, §21D of the Securities Exchange Act of
20 1934, 15 U.S.C. §78u-4(a)(7), as amended by the PSLRA, the rules of this Court, and
21 any other applicable law, and is the best notice practicable under the circumstances
22 and shall constitute due and sufficient notice to all persons entitled thereto.

23 5. The firm of Gilardi & Co. LLC (the "Claims Administrator") is hereby
24 appointed to supervise and administer the notice procedure as well as the Settlement
25 as more fully set forth below.

26 6. Lead Counsel, through the Claims Administrator, shall commence
27 mailing the Notice, substantially in the form annexed hereto, within ten (10) business
28 days after the Court signs this Order (the "Notice Date"), or by January 14, 2022, by

1 first-class mail to all validated claimants, and the Notice shall be posted on the
2 Settlement website at www.PumaBioSecuritiesLitigation.com.

3 7. Not later than seven (7) calendar days after the Notice Date, the Claims
4 Administrator shall cause the Summary Notice to be published once in the national
5 edition of *The Wall Street Journal* and once over a national newswire service.

6 8. At least seven (7) calendar days prior to the Settlement Hearing, Lead
7 Counsel shall serve on Defendants' counsel and file with the Court proof, by affidavit
8 or declaration, of such mailing and publishing.

9 9. Lead Counsel may make non-material edits to the Notice and Summary
10 Notice without Court approval.

11 10. Any member of the Class may enter an appearance in the Litigation, at
12 their own expense, individually or through counsel of their own choice. If they do not
13 enter an appearance, they will be represented by Lead Counsel.

14 11. The Court will consider comments or objections to the Settlement,
15 including Lead Counsel's request for an award of attorneys' fees and expenses,
16 including Lead Plaintiff's expenses as provided for by 15 U.S.C. §78u-4(a)(4), only if
17 such comments or objections and any supporting papers are served by hand or sent by
18 first-class mail, and are received at least twenty-one (21) calendar days prior to the
19 Settlement Hearing, or March 21, 2022:

20 **Counsel for Lead Plaintiff**

21 Robbins Geller Rudman & Dowd LLP
22 Tor Gronborg
23 655 West Broadway, Suite 1900
24 San Diego, CA 92101

25 **Counsel for Defendants**

26 Latham & Watkins LLP
27 Colleen Smith
28 12670 High Bluff Drive
San Diego, CA 92130

Those comments or objections and any supporting papers must also be filed with the
Clerk of the United States District Court for the Central District of California, Ronald

1 Reagan Federal Building and United States Courthouse, 411 West Fourth Street, Santa
2 Ana, CA 92701, at least twenty-one (21) calendar days prior to the Settlement
3 Hearing, or March 21, 2022. Attendance at the Settlement Hearing is not necessary
4 but any person wishing to be heard orally in opposition to the Settlement or
5 application for attorneys' fees and expenses or an award to Lead Plaintiff are required
6 to indicate in their written objection whether they intend to appear at the Settlement
7 Hearing. The notice of objection must include copies of any papers, briefs, or other
8 documents upon which the objection is based, and the objector's signature, even if
9 represented by counsel. In addition, the objection must state whether it applies only to
10 the objector, to a specific subset of the Class, or to the entire Class, and also state with
11 specificity the grounds for the objection. The objector must also identify all other
12 objections to any class action settlements submitted by the objector or his, her or its
13 counsel. Any member of the Class who does not make his, her or its objection in the
14 manner provided shall be deemed to have waived such objection and shall forever be
15 foreclosed from making any objection to the Settlement or award of attorneys' fees
16 and expenses to Lead Counsel or expenses of the Lead Plaintiff unless otherwise
17 ordered by the Court.

18 12. All funds held by the Escrow Agent shall be deemed and considered to be
19 in *custodia legis* of the Court, and shall remain subject to the jurisdiction of the Court,
20 until such time as such funds shall be distributed pursuant to the Stipulation and/or
21 further order(s) of the Court.

22 13. All opening briefs and supporting documents in support of the
23 Settlement, and any application by counsel for the Lead Plaintiff for attorneys' fees
24 and expenses or by Lead Plaintiff for its expenses shall be filed and served no later
25 than thirty-five (35) calendar days before the Settlement Hearing, or March 7,
26 2022. Replies to any objections shall be filed and served at least seven (7) calendar
27 days prior to the Settlement Hearing, or April 4, 2022.

28

1 14. Neither Defendants nor the Released Defendant Parties shall have any
2 responsibility for any application for attorneys' fees or expenses submitted by Lead
3 Counsel or Lead Plaintiff, and such matters will be considered separately from the
4 fairness, reasonableness, and adequacy of the Settlement. Any order or proceeding
5 relating to the application for attorneys' fees or expenses, or any appeal from any
6 order relating thereto or reversal or modification thereof, shall not operate to terminate
7 or cancel the Stipulation, or affect or delay the finality of the Settlement Judgment
8 approving the Stipulation and the settlement of the Litigation.

9 15. If the Stipulation and the Settlement set forth therein is not approved or
10 consummated for any reason whatsoever, the Stipulation and Settlement and all
11 proceedings had in connection therewith shall be without prejudice to the rights of the
12 Settling Parties *status quo ante*.

13 16. Pending final determination of whether the proposed Settlement should
14 be approved, neither the Lead Plaintiff, nor any Class member, directly or indirectly,
15 representatively, or in any other capacity, shall commence or prosecute against any of
16 the Released Defendant Parties, any action or proceeding in any court or tribunal
17 asserting any of the Released Claims.

18 17. The Court retains exclusive jurisdiction over the Litigation to consider all
19 further matters arising out of or connected with the Settlement.

20 18. The Court's orders entered during this Litigation relating to the
21 confidentiality of information shall survive this Settlement.

22 IT IS SO ORDERED.

23
24 DATED: December 29, 2021



25 THE HONORABLE DAVID O. CARTER
26 UNITED STATES DISTRICT JUDGE
27
28

EXHIBIT A-1

Puma Biotechnology Securities Litigation
Claims Administrator
c/o Gilardi & Co. LLC
P.O. Box 43301
Providence, RI 02940-3301

LEGAL NOTICE

See other side for details

<<B<<C<<<<<<

Postal Service: Please Do Not Mark Barcode

PUY-«Claim8»-«CkDig»

Claim ID: «Claim8»

PIN: «PIN»

«FirstNAME» «LastNAME»

«Addr1» «Addr2»

«City», «State»«FProv» «Zip»«FZip»

«FCountry»

PUY

Notice of Class Action Settlement

You are receiving this notice because your claim in the Puma Biotechnology, Inc. securities litigation has been validated and you are entitled to recover for your losses in accordance with the jury verdict. You can identify that your claim has been validated and the amount of your damages and prejudgment interest at the website listed below. **You do not need to do anything in order to receive your share of the settlement.**

The parties have agreed to a proposed settlement of the litigation for \$54,248,374.00 (the "Settlement Amount"). The Settlement Amount represents the complete amount of claimed damages and prejudgment interest due to validated claims under the jury verdict. If approved, the settlement will finally resolve all claims in the litigation. Based on your previously submitted claim form and the damages calculations performed by the Claims Administrator, you will receive 100% of your damages and prejudgment interest less: (i) your pro rata share of any Court awarded attorney fees and litigation expenses and any Court award to the Lead Plaintiff; (ii) settlement administration expenses; and (iii) taxes and tax expenses. Class Counsel have prosecuted this case on a wholly contingent basis and will apply to the Court for: (i) an award of attorneys' fees of 25% of the Settlement Amount; (ii) payment of litigation expenses paid or incurred by Class Counsel in an amount not to exceed \$3,100,000; and (iii) an award to Lead Plaintiff in an amount not to exceed \$100,000 pursuant to 15 U.S.C. §78u-4(a)(4). The requested attorneys' fees and expenses represent approximately \$1.36 per share.

You have the right to object to the application for Class Counsel fees or expenses and/or the application for the Lead Plaintiff award. **Any objection is due by XXX.** For more information on filing an objection, please go to the website listed below.

If you have any questions, you can contact Class Counsel, Tor Gronborg, at 1-619-231-1058 or visit:

www.pumabiosecuritieslitigation.com

EXHIBIT A-2

#70922

Case No. 8:15-cv-00865-AG-SHK

Hsingching Hsu, Individually
and on Behalf of All Others Similarly
Situating,

Plaintiff,

vs.

PUMA BIOTECHNOLOGY, INC., et al.,

Defendants.

CLASS ACTION

Notice of Class Action Settlement

You are hereby notified, pursuant to Rule 23 of the Federal Rules of Civil Procedure and Order of the United States District Court for the Central District of California, that a Settlement has been proposed in the above-captioned action. You can identify if your claim has been validated and the amount of your damages and prejudgment interest at the website listed below. **If you have submitted a validated claim, you do not need to do anything in order to receive your share of the settlement.**

The parties have agreed to a proposed settlement of the litigation for \$54,248,374.00 (the "Settlement Amount"). The Settlement Amount represents the complete amount of claimed damages and prejudgment interest due to validated claims under the jury verdict. If approved, the settlement will finally resolve all claims in the litigation. Based on your previously submitted claim form and the damages calculations performed by the Claims Administrator, you will receive 100% of your damages and prejudgment interest less: (i) your pro rata share of any Court awarded attorney fees and litigation expenses and any Court award to the Lead Plaintiff; (ii) settlement administration expenses; and (iii) taxes and tax expenses. Class Counsel have prosecuted this case on a wholly contingent basis and will apply to the Court for: (i) an award of attorneys' fees of 25% of the Settlement Amount; (ii) payment of litigation expenses paid or incurred by Class Counsel in an amount not to exceed \$3,100,000; and (iii) an award to Lead Plaintiff in an amount not to exceed \$100,000, pursuant to 15 U.S.C. §78u-4(a)(4). The requested attorneys' fees and expenses represent approximately \$1.33 per share.

You have the right to object to the application for Class Counsel fees or expenses and/or the application for the Lead Plaintiff award. **Any objection is due by XXX.** For more information on filing an objection, please go to the website listed below.

If you have any questions, you can contact Class Counsel, Tor Gronborg, at 1-619-231-1058 or visit:

www.pumabiosecuritieslitigation.com